UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,660	12/21/2000	Hidenori Nishikawa	JP9 1999 0205 US1	6984

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EXAMINER
NELSON, FREDA ANN

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/742,660	NISHIKAWA, HIDENORI
	Examiner	Art Unit
	Freda A. Nelson	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This is in response to a communication filed December 14, 2004 wherein:

Claim 1 has been amended;

Claims 4-6 have been added; and

Claims 1-6 are pending.

Response to Arguments

Applicant's arguments filed October 4, 2005 have been fully considered but they are not persuasive.

Applicant states on page 5 of the response that the examiner failed too address the added features of claim 1. However, Boardman et al. disclose storing rules, as well as, rule sets defining a charge calculation. Boardman et al. also disclose that events in the telecommunications industry are phone calls, monthly line fees or installation charges. Boardman et al. disclose a having a price plan for local calls, intrastate calls, and interstate calls; and rating events based on zones, tariff weeks and bands. The examiner asserts that the prior art calculates for the events based on the type of service like calling cards and direct dialed numbers.

In response to applicant arguments that in claims 4-5, Reeder's price rule is not associated with each service type, however, in FIG. 7, Reeder disclose a price for a service type and also FIG. 10 disclose determining a pricing rule for a service ID (type).

In response to applicant arguments that in claims 2-3, none of the prior art references teach or suggest "change point identifiers", however, Rubin et al. disclose

that a discount table holds the volume threshold and discount calculation. The

examiner asserts that Rubin et al. disclose change point identifiers because when the

volume threshold changes, the discount changes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by

Reeder (Patent Number 5,852,812).

In claims 4-5, Reeder discloses that additional information may be
necessary when the event object only knows, for example, the name of a
customer but not a customer ID number', and similarly the data such as a
customer's address or phone number which is not stored within the event object
may be necessary for further processing and can be retrieved from a customer
profile wherein the customer profile is a series of tables within the database that
holds information about a particular customer (col.13, lines 65 through col. 14, line 3).
Reeder further discloses one example of a pricing rule using pseudo code: Look
up base amount pricing rule based on event id, service id, currency and
subscription plan; and Look up surcharge pricing rule and discount pricing rule
based on event id, service id currency and subscription plan and (col.15, lines
50-55). Reeder still further discloses that once the service Id and event ID of the
record is known (from the event object) and the customer profile (subscription
plan base currency) is retrieved at state 733, an appropriate pricing rule for that
event ID is determined at state 734 (col. 15, lines 29-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

2.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Boardman et al. (Patent Number 6,456,986) in view of Rubin et al. (Patent Number

6,078,897).

In Claim 1, Boardman et al. disclose a system that rates and/or discounts Events based on business rules in a Price Plan database (col.1, lines 21-26). Boardman et al. further disclose that decision networks are used to determine what Price Plan to use for an Event and how to rate the Event based on business rules which are stored in the Price Plan database (col.2, lines 24-29). Boardman et al. still further disclose that a plan selection rule set is used to select a price Plan for the Event and an Algorithm rule set is used to select an Algorithm to rate the Event (col. 1, lines 51-57). Boardman et al. still further disclose that an algorithm calculates a price or modifies a price (applies a discount). Boardman et al. further discloses that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs. 1 and 2).

Boardman et al. do not disclose that the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value. Rubin et al. disclose that rules that describe which of the information retrieved may be combined with the proposed order are stored in vendor thresholds and catalog 210 (col. 7, lines 49-61). Rubin et al. further disclose that the vendor discount thresholds are stored in a discount table of a conventional database with each threshold containing a vendor name, a volume and a discount stored in each record of the discount table (col. 8, lines 11-15). Rubin et al. still further disclose that if the volume of the proposed order stored in proposed order storage 212 is equal to a threshold, next threshold calculator 220 signal administration 250 by sending two values: 0 and the additional volume calculated. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. to include the feature of Rubin et al. in order to identify how to increase an order for goods or services to realize additional discounts (Rubin; col. 2, lines 18-20).

3.   Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boardman et al. in view of Carter (Patent No. 6,553,350), in further view of Rubin et al

(6,078,897).

In claims 2-3, Boardman et al. discloses a system that rates and/or discounts Events based on business rules in a Price Plan database (col.1, lines 21-26). Boardman et al. further disclose that decision networks are used to determine what Price Plan to use for an Event and how to rate the Event based on business rules which are stored in the Price Plan database (col. 2, lines 24-29). Boardman et al. further disclose that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42- 50 and Figs 1 and 2). An Algorithm calculates a price or modifies a price (applies a discount). Carter discloses that FIG. 1 shows an example of a basic price table wherein each row designates a potential customer that the product would be sold to, and each column designates the product will be sold, and

the table entry corresponding to the basic unadjusted price for the product; and according to the prior art, in addition to the basic price table of FIG. 1, various other tables must be stored and maintained in the mainframe database (col. 2, lines 44-55; FIG. 2).

Boardman et al. do not disclose that the discount table further includes a set of change point identifiers and associated discount threshold values. Rubin et al. disclose that vendor threshold and catalog 210 also stores the volume thresholds for each discount level, and information regarding the calculation of the volume of the order (col. 3, lines 33-35). Rubin et al. further disclose that that vendor thresholds and catalog 210 is a conventional relational database with a product table holding the name, vendor identifier, undiscounted price, and unit or volume contribution, of each product wherein the volume contribution may be equal to the undiscounted price, a value of "1", or another weighted value; and a discount table holds the vendor name, volume threshold and discount calculation such as a percentage discount for each discount threshold of each vendor for which the apparatus can accept orders (col. 3, lines 48-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. and Carter to include the feature of Rubin et al. in order to provide flexibility in price modeling.

4.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Reeder in view of Boardman et al. Boardman et al. (Patent Number

6,456,986).

In claim 6, Reeder does not disclose that the set of rules associated with each serve type further includes a charge calculation rule. Boardman et al. disclose that an algorithm calculates a price or modifies a price (applies a discount). Boardman et al. further disclose that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs. 1 and 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Reeder to include the feature of Boardman et al. in order provide guidelines for performing calculations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
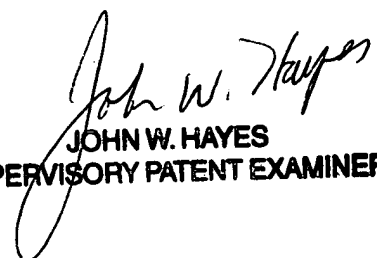
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 12/09/2005

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER